

Application No. 10/766,922
Docket No. KP-9698

8

REMARKS

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since no new claims or issues are raised and the claim amendments only move subject matter of existing independent claim 12 into existing independent claims 1 and 10, and claim 12 is amended to correct two grammatical issues.

Claims 1-10 and 12-20 are all the claims presently pending in this application. Claims 1 and 10 have been amended to more particularly define the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1-10 and 12-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takiguichi, U.S. Pat. No. 5,130,935, further in view of "Adobe Photoshop 7.0: Classroom in a Book," further in view of Yamakawa, U.S. Pat. No. 6,184,860.

Claims 1-10 and 12-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takiguichi, U.S. Pat. No. 5,130,935, further in view of "Adobe Photoshop 7.0: Classroom in a Book," further in view of Yamakawa, U.S. Pat. No. 6,184,860 and Stuppi, et al., U.S. Pat. No. 7,002,546.

These rejections are respectfully traversed in view of the following discussion.

Application No. 10/766,922
Docket No. KP-9698

9

I. THE PRIOR ART REJECTIONS

A. The 35 U.S.C. § 103(a) Rejection over Takiguchi, U.S. Pat. No. 5,130,935 further in view of "Adobe Photoshop 7.0: Classroom in a Book," further in view of Yamakawa, U.S. Pat. No. 6,184,860

The Examiner alleges that Takiguchi, U.S. Pat. No. 5,130,935, (Takiguchi), further in view of "Adobe Photoshop 7.0: Classroom in a Book," further in view of Yamakawa, U.S. Pat. No. 6,184,860, (Photoshop and Yamakawa), makes obvious the invention of claims 1-10 and 12-20.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Takiguchi with the teaching from Photoshop and Yamakawa to form the invention of claims 1-10 and 12-20. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, however, that neither Takiguchi, nor Photoshop and Yamakawa, nor any alleged combination thereof, teaches or suggests:

"extracting pixels representing a plurality of specific facial feature areas from said facial image,"

"selecting a correction item...corresponding to each of said plurality of specific facial feature areas," and

"wherein specific facial feature areas comprise a skin area, an eye area, a teeth area, and a hair area."

The Examiner equates Applicant's claimed invention above of "*extracting pixels representing a plurality of specific facial feature areas from said facial image,*" with Takiguchi's Fig.7 and description of column 5, lines 22-41.

Application No. 10/766,922
Docket No. KP-9698

10

However, Takiguchi discloses in column 5, that “RGB values are obtained from an original image,” (lines 22-23), and only the pixels contained in region 50 of Fig. 7, i.e., a region containing the head of the subject, (lines 23-29), are used to obtain the pixels for color correction.

Takiguchi fails to disclose the extraction of pixels from a plurality of specific facial feature areas comprising a skin area, a eye area, a teeth area and hair area. Takiguchi merely obtains pixels from a single and generally defined head region 50 to process skin color correction.

The Examiner admits that Takiguichi fails to teach or suggest, “*each of said plural correction items corresponding to each of said plurality of specific areas.*” The Examiner alleges that Yamakawa is equivalent to Applicant’s claimed invention based on column 23, lines 9-17.

However, the Examiner fails to address, and Yamakawa fails to teach or suggest, at the above cited passage any anywhere else, “*each of said plural correction items corresponding to each of said plurality of specific facial feature areas.*” The Examiner alleges Yamakawa discloses at column 23, lines 9-17, a method of correction is selected from a menu of suggested items of correction that an operator can effect correction with the chosen correction item. Yamakawa fails to teach or suggest the suggested items of correction from the selectable menu corresponding to a plurality of specific facial feature areas.

Therefore, Yamakawa fails to overcome the deficiencies of Takiguchi.

The Examiner asserts Photoshop discloses Applicant’s claimed invention of *detecting a position of a cursor in said facial image displayed on said monitor.*

However, even assuming *arguendo* that the Examiner’s position has some merit, both

Application No. 10/766,922
Docket No. KP-9698

11

Takiguchi and Yamakawa fails to teach or suggest all the limitations of Applicant's claimed invention.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Takiguchi and Photoshop and Yamakawa (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

B. The 35 U.S.C. § 103(a) Rejection over Takiguchi, U.S. Pat. No. 5,130,935 further in view of "Adobe Photoshop 7.0: Classroom in a Book," further in view of Yamakawa, U.S. Pat. No. 6,184,860 and Stuppi, et al., U.S. Pat. No. 7,002,546

The Examiner alleges that Takiguchi, U.S. Pat. No. 5,130,935, (Takiguchi), further in view of "Adobe Photoshop 7.0: Classroom in a Book," further in view of Yamakawa, U.S. Pat. No. 6,184,860 and Stuppi, et al., U.S. Pat. No. 7,002,546, (Photoshop, Yamakawa and Stuppi), makes obvious the invention of claims 1-10 and 12-20.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Takiguchi with the teaching from Photoshop, Yamakawa and Stuppi to form the invention of claims 1-10 and 12-20. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, however, that neither Takiguchi, nor Photoshop, Yamakawa and Stuppi, nor any alleged combination thereof, teaches or suggests:

"extracting pixels representing a plurality of specific facial feature areas from said facial image."

Application No. 10/766,922
Docket No. KP-9698

12

"selecting a correction item...corresponding to each of said plurality of specific facial feature areas," and

"wherein specific facial feature areas comprise a skin area, an eye area, a teeth area, and a hair area."

The Examiner equates Applicant's claimed invention above of "extracting pixels representing a plurality of specific facial feature areas from said facial image," with Takiguchi's Fig. 7 and description of column 5, lines 22-41.

However, Takiguchi discloses in column 5, that "RGB values are obtained from an original image," (lines 22-23), and only the pixels contained in region 50 of Fig. 7, i.e., a region containing the head of the subject, (lines 23-29), are used to obtain the pixels for color correction.

Takiguchi fails to disclose the extraction of pixels from a plurality of specific facial feature areas comprising a skin area, a eye area, a teeth area and hair area. Takiguchi merely obtains pixels from a single and generally defined head region 50 to process skin color correction.

The Examiner admits that Takiguchi fails to teach or suggest, "each of said plural correction items corresponding to each of said plurality of specific areas." The Examiner alleges that Yamakawa is equivalent to Applicant's claimed invention based on column 23, lines 9-17.

However, the Examiner fails to address, and Yamakawa fails to teach or suggest, at the above cited passage any anywhere else, "each of said plural correction items corresponding to each of said plurality of specific facial feature areas." The Examiner alleges Yamakawa discloses at column 23, lines 9-17, a method of correction is selected from

Application No. 10/766,922
Docket No. KP-9698

13

a menu of suggested items of correction that an operator can effect correction with the chosen correction item. Yamakawa fails to teach or suggest the suggested items of correction from the selectable menu corresponding to a plurality of specific facial feature areas.

Therefore, Yamakawa fails to overcome the deficiencies of Takiguichi.

The Examiner asserts Photoshop discloses Applicant's claimed invention of *detecting a position of a cursor in said facial image displayed on said monitor.*

The Examiner asserts Stuppi discloses a processor configured to compare the calculated chromaticity and luminance values with desired values.

However, even assuming *arguendo* that the Examiner's position has some merit, Photoshop and Stuppi fails to teach or suggest all the limitations of Applicant's claimed invention. Therefore, Photoshop and Stuppi fails to overcome the deficiencies of Takiguichi and Yamakawa.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Takiguichi and Photoshop, Yamakawa and Stuppi (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

Application No. 10/766,922
Docket No. KP-9698

14

II. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-10 and 12-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: Dec. 28, 2007

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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner Lee, Art Unit 2624, on December 28, 2007.

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